

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ANTHONY K. BOLLING,

Plaintiff,

-v-

**WARDEN, Lebanon Correctional
Institution,**

Respondent.

Case No. C-3:10-cv-114

**Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #3) IN ITS ENTIRETY;
OVERRULING BOLLING'S OBJECTIONS (Doc. #5); DENYING
BOLLING LEAVE TO APPEAL IN FORMA PAUPERIS AND ANY
REQUESTED CERTIFICATE OF APPEALABILITY; DISMISSING
BOLLING'S PETITION AND TERMINATING THIS CASE**

This matter comes before the Court pursuant to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #3) regarding pro se Plaintiff Anthony K. Bolling's Petition for a Writ of Habeas Corpus. The Magistrate Judge has now reviewed Bolling's Petition pursuant to Rule 4 of the Rules Governing § 2254 Cases in the United States District Court. Rule 4 mandates dismissal if it plainly appears from the Petition or attached exhibits that the Petitioner is not entitled to relief in the district court. In this case, Bolling's Petition is time-barred and, thus, must be dismissed.

Bolling has filed Objections to the Report and Recommendations. (Doc. #5.) A copy of the Report and Recommendations was mailed to the Attorney General of Ohio. The time has run and the Attorney General has not responded to Bolling's Objections. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that the Magistrate Judge's Report and Recommendations is adopted in its entirety. It plainly appears from Bolling's Petition that he is not entitled to relief in this district court because his Petition is time-barred.

Therefore, Bolling's Petition is **DISMISSED**. Further, Bolling's Objections to the Report and Recommendations are **OVERRULED** and Bolling is denied leave to appeal in forma pauperis and any requested certificate of appealability. Finally,

DONE and **ORDERED** in Dayton, Ohio, this 24th day of May, 2010.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Anthony K. Bolling at his last address of record

The Attorney General of Ohio c/o Assistant Attorney General Diane Mallory, Corrections
Litigation, 150 East Gay Street, 16th floor, Columbus, OH 43215